

## **EXHIBIT 13**



February 2, 2022

VIA E-MAIL

Michael S. Mitchell  
Boies Schiller Flexner LLP  
1401 New York Avenue, NW  
Washington, DC 20005  
mmitchell@bsfllp.com

Re: *In re Pork Antitrust Litigation*  
Meet and Confer Regarding Tyson's Certain RFP Responses and Objections

Dear Counsel:

I write on behalf of Tyson Foods, Inc., Tyson Fresh Meats, Inc. and Tyson Prepared Foods, Inc. (collectively, "Tyson") further to our January 7, 2022 meet and confer between Tyson and the MDL Direct Action Plaintiffs ("MDL DAPs") and in response to your letter dated January 10, 2022, regarding Tyson's responses to the MDL DAPs' First Request for Production of Documents ("RFP"), specifically, Request Numbers 8, 9, 10, 14, and 29, and the relevant time period applicable to Tyson's productions of structured data.

**Specific Requests for Production**

**Request Nos. 8, 10, and 14**

Tyson confirms MDL DAPs' understanding of Tyson's responses to these requests as set forth in your January 10 letter.

**Request No. 9**

Tyson understands that MDL DAPs are seeking Tyson's internal policies, guidelines, and/or rules concerning public communications related to competitive conditions. Tyson does not agree to search for "[a]ll Documents relating to" such policies, guidelines, and/or rules, to the extent any exist. However, Tyson has investigated whether it possesses such policies, guidelines, and/or rules and has not identified any to date. Tyson is continuing to investigate and will produce any to the extent they existed during the Relevant Time Period.

**Request No. 29 and Structured Data**

A summary of Tyson's structured data produced to date is below:

- **Tyson Fresh Meats Sales Data:** Data produced from this "Mainframe" data system covers the full time period requested (January 2005 to December 2020) and reflects sales of pork by Tyson Fresh Meats, the division of Tyson responsible for sales of pork products with a minimal degree of processing (i.e., primals, subprimals, and other fresh or frozen

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cuts of pork such as bellies, hams, etc.). Separate customer rebate files were also provided as available. An additional sheet was also provided to allow the identification of sales to entities affiliated with Tyson.

- **Tyson Prepared Foods Sales Data:** This includes data covering the division of Tyson responsible for selling “further processed” products, including pork products like lunchmeat and sausage. There are numerous separate systems due to Tyson’s acquisition of Hillshire Brands mid-way through the Relevant Time Period, which data continued to be maintained separately from other Tyson Prepared Foods data until a migration to a new, unified system (S4) in April 2019.
  - **S4:** This is the SAP data system to which Tyson Prepared Foods migrated in April 2019. Accordingly, Tyson produced data reflecting sales from April 2019 through December 2020 from this data system. Data from P41/S4 reflect both “legacy” Tyson Prepared Foods (i.e., Prepared Foods products sold by Tyson prior to its Hillshire acquisition) and Hillshire Brands products, as the two formerly separate businesses were merged at the time of this migration. Prior to April 2019, “legacy” Tyson Prepared Foods sales and Hillshire Brands sales were maintained in separate data systems, PR3 and PR1, respectively, as described below.
  - **PR1:** This is the SAP data system to which Hillshire Brands migrated in September 2007 (seven years prior to its acquisition by Tyson), which Tyson continued to use for Hillshire Brands’ sales even after its 2014 Hillshire acquisition until transitioning to P41/S4 in April 2019. Tyson has produced data reflecting sales from September 2007 to April 2019 from PR1. As noted above, Tyson produced data for sales after April 2019 from P41/S4. Tyson understands that Hillshire sales data from before September 2007 were stored on a non-SAP data system called Lawson that is no longer in use by Tyson. Lawson subsequently was decommissioned because its data were outside of Tyson’s applicable retention periods; thus, Hillshire sales data from before September 2007 are inaccessible and Tyson does not intend to produce it.
  - **PR3:** This is the database utilized by Tyson to manage sales data for its Prepared Foods products sold prior to the acquisition of Hillshire – e.g., sales of “legacy” Tyson Prepared Foods products. We understand Tyson’s PR3 data is only available going back to October 2013. Thus, we produced data from PR3 from October 2013 to April 2019. As noted above sales data from April 2019 forward were produced from P41/S4. We understand, however, that certain historical data from PR3 also resides in TDW. Given that the data collected from TDW appeared to contain a greater number of fields as compared to PR3, Tyson endeavored to collect the TDW data from the largest possible time period. This resulted in some limited overlap with previously produced PR3 data for the period from October 2013 (FY2014) to October 2015 (FY2015). Given the discrepancy in fields between the two systems, Tyson has also been continuing to investigate means for recollecting PR3 data to provide a greater number of fields akin to the TDW production. In the event Tyson is able to produce a revised PR3 data set, it will cover the date range starting from the end of the TDW data, thus eliminating the referenced overlap.

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- **Tyson Data Warehouse (“TDW”):** This system contains historic data for sales of “legacy” Tyson Prepared Foods products (i.e., Prepared Foods products sold by Tyson prior to its Hillshire acquisition). Tyson produced sales data from TDW covering the time period of December 2005 to October 2013.
- **Pork Procurement Data:** This data production contains data reflecting Tyson’s purchases of Pork from January 1, 2005 through December 31, 2020. These data were produced in response to requests for information on purchases of pork from other “Pork Integrators.” The production is over-inclusive in that Tyson has not endeavored to remove any transactions involving vendors not listed on the Parties’ agreed-upon “Pork Integrators” list.
- **Hog Procurement Data:** This data reflects Tyson’s hog purchases (both internal and external) for the 2005-2020 time period.
- **Chainspeed Data:** This data reflects the amount of pork processed at each of Tyson’s six slaughter plants for the 2005-2020 time period. This is not a report of structured data but is instead data that was created in the ordinary course of business and produced in that format.
- **Plant Earnings Statements:** Data reflecting the profits and operating costs associated with each of Tyson’s six hog slaughter plants for the Fiscal Year 2005 to Fiscal Year 2020 time period.
- **Sow Inventory Data:** Data on sow inventory and reproduction from a third-party data management system called MetaFarm that maintains data for The Pork Group, the division of Tyson responsible for live hog operations.
- **USDA Hog Slaughter Reporting Data:** Existing daily hog slaughter data files in the format produced by Tyson to the USDA from 2016 to 2020 and maintained by Tyson in the ordinary course. These were produced in Tyson’s unstructured data production as TF-P-002313128 - TF-P-002314468. Tyson also included a separate file within this range that represents the field headers associated with the raw data. Pre-2016 data of this type is no longer reasonably accessible.
- **Plant Employee Retention Reports:** Existing monthly reports on number of team-members (“TMs”) by plant from 2017 to 2020 in the format maintained by Tyson in the ordinary course. Tyson produced pork retention reports in its unstructured data production as TF-P-002313068 - TF-P-002313127. Pre-2017 files of this type are no longer reasonably accessible.

With respect to MDL DAPs’ request that Tyson provide structured data on hog slaughter capacity and capacity utilization, Tyson does not maintain structured data on capacity or capacity utilization for its six hog slaughter plants.

With respect to MDL DAPs’ request for production data regarding finished products, sufficient information on production and supply is available from the structured data on pork processed at Tyson’s slaughter plants, pork procurement, Tyson Fresh Meats sales data, and Tyson Prepared Foods sales data. To the extent MDL DAPs identify additional, specific data they

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believe they need and the specific reasons they believe they need such additional data, Tyson is willing to meet and confer further.

Finally, Tyson has identified a document that might be able to be used to help determine the form/type/cut of products in certain of Tyson's structured data and will produce it.

Sincerely,

*/s/ Jarod Taylor*

Jarod G. Taylor